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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/027,160	12/20/2001	Kurt A. Estes	9793070-0439	1693

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WHIRLPOOL PATENTS COMPANY - MD 0750
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ST. JOSEPH, MI 49085

EXAMINER

WEBB, GREGORY E

ART UNIT	PAPER NUMBER
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1751

DATE MAILED: 11/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/027,160

Applicant(s)

ESTES ET AL.

Examiner

Gregory E. Webb

Art Unit

1751

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 September 2004 and 18 October 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 79-81, 83-88 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 88 is/are allowed.
- 6) ☒ Claim(s) 79-81 and 83-87 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. The following is in response to the applicant's amendments and arguments submitted 9/27/04 and 10/18/04.

Response to Arguments

2. The applicant's arguments have been considered but are not considered persuasive.
3. The applicant's claim 79 defines a composition containing a "working fluid" and a perfume. The applicant further defines the "working fluid" as non-reactive, non-aqueous, non-oleophilic, and apolar.
4. The applicant then provides a preferred type of "working fluid" as being a hydrofluoroether (see instant claim 85). Thus it can be determined that some hydrofluoroethers are non-reactive, non-aqueous, non-oleophilic, and apolar.
5. Although the examiner has found a reference teaching hydrofluoroethers in combination with perfumes, the applicant states that this reference fails to teach the "working fluid."
6. The applicant states that Asano teaches the hydrofluoroether as a solvent and not a working fluid. The applicant supports this argument by stating that "non-reactive" implies that the "working fluid" does not clean or coat the substrate. This is not definition used in chemistry. In fact, non-reactive in chemical term implies that a chemical reaction would not take place. A chemical reaction requires either atoms or electrons to be transferred from one compound to another. The solvent of Asano clearly meets this limitation as it is not chemically reacting with the substrate but is instead cleaning the substrate. Cleaning is not a chemical reaction but a

process of solvation. No chemical reaction is taking place in the Asano reference and thus his solvent meets the applicant's limitation of a "working fluid."

7. It should be further noted that the compositions of Asano exist prior to any contact with the substrates. For example, the blender must mix the ingredients and package the ingredients prior to use. Thus one can look at the composition of Asano prior to its use to anticipate the applicant's claims. The composition of Asano is clearly non-reactive prior to use and thus anticipates the applicant's claims.

8. The applicant makes further arguments such as "Asano teaches that his fluid is a solvent, which is precisely what the inert working fluid is claimed not to be." It is unclear to the examiner how the applicant's claimed hydrofluoroether does not meet the criteria for solvent. How can the instant hydrofluoroether not be a solvent whereas the prior art hydrofluoroether is clearly a solvent. Such arguments rest solely on semantics.

9. The applicant cannot rely on the intended use of either the composition or individual compounds to demonstrate novelty. If the prior art taught hydrofluoroethers and perfumes for making explosives, the prior art would still anticipate the instant compositions claims. Although explosives are chemically reactive, they are non-reactive prior to detonation.

10. Thus as Asano teaches the claimed hydrofluoroether and the required perfume the instant claims are in fact anticipated.

11. Previous rejections of claims 79-81 and 83-87 are thus maintained.

Allowable Subject Matter

12. Claim 88 is allowed for those reasons set forth in the previous action.

Conclusion

13. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory E. Webb whose telephone number is 571-272-1325. The examiner can normally be reached on 9:00-17:30 (m-f).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta can be reached on 571-272-1316. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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A handwritten signature in black ink, appearing to read 'G. Webb', with a large, stylized initial 'G'.

Gregory E. Webb
Primary Examiner
Art Unit 1751

gw